

August 25, 2008

Gregg M. Ushiroda
Attorney at Law
Watanabe, Ing, and Komeiji LLP
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813

Dear Mr. Ushiroda:

Pursuant to your request, the Report on the Regular Education Program of the Hawaii Department of Education during the period 1994-2000 is attached.

The report is organized around three major components:

- Mission and Goals of the Hawaii Department of Education
- Framework for Curriculum and Instruction
- Assessment Practices, Promotion/Retention and Graduation Requirements

A list of the documents that were reviewed in developing the report is appended.

As per Federal Rule 26, my professional qualifications are listed in my curriculum vita that is attached. Also attached, per Federal Rule 26, is my current fee schedule.

I have not testified as an expert witness in the past 4 years, nor have I published any publications in the past 10 years.

Please contact me if you have any questions.

Sincerely,



Ronald K. Toma
95-1050 Makaikai Street, #13J
Mililani, HI 96789
Email: ron.toma@hawaiiantel.net
Phone: (808) 349-1197

Report on The Regular Education Program, 1994-2000 Hawaii Department of Education

Mission/Goals

During the period 1994-2000, the Hawaii Department of Education defined its mission as providing educational opportunities for all students so that they may develop mentally, physically, and socially to become contributing members of society.¹ The goal of the public school system was, as it still is today, "to enable students to learn to think and act intelligently in achieving maximum self-fulfillment and in attaining the knowledge, skills, abilities, attitudes, and appreciations essential for preserving and contributing to the strength of the community, state, nation, and world."²

The Foundation Program, which was first adopted by the Hawaii State Board of Education in 1970 and updated thereafter, provided the basis for ensuring equal educational opportunities for all students. It served as a framework for developing each school as a functioning unit. The eleven Foundation Program Objectives articulated learning goals and provided the foundation for curriculum and instruction in Hawaii's public schools:

1. Develop basic skills for learning and effective communication with others.
2. Develop a positive concept of the self.
3. Develop decision-making and problem-solving skills.

4. Develop independence in and a love for lifelong learning.
5. Develop physical and emotional health.
6. Develop knowledge of and pursue options for work and career development.
7. Develop responsibility to self as well as to others.
8. Develop creative potential and aesthetic sensitivity.
9. Develop leadership and cooperative skills.
10. Develop global awareness, knowledge, and understanding.
11. Develop a concern for preserving and restoring our environment.³

In 1995, when the Hawaii State Board of Education adopted the first version of the Hawaii Content and Performance Standards, four General Learner Outcomes were introduced. Like the Foundation Program Objectives, these outcomes were seen as overarching goals that were essential to enable learners to lead full and productive lives. They included:

1. The ability to be responsible for one's own learning
2. The understanding that it is essential for human beings to work together.
3. The ability to be involved in complex thinking and problem solving.
4. The ability to recognize and produce quality performance and quality products.⁴

In both cases, student learning for successful living was the major focus. The Foundation Program Objectives and the General Learner Outcomes established the goals to enable all public school students in Hawaii to acquire the knowledge, skills, and attitudes for life-long learning and productive and responsible citizenship.

Curriculum, instruction, and assessment were all designed to achieve those goals, as well as to determine how well they were being met.

Curriculum and Instruction

Clear and realistic learner outcomes provide direction and focus for classroom instruction and are basic to student learning. During the period 1994-2000, such outcomes were described in two major curriculum restructuring efforts.

- The Department of Education's Performance Expectations and Essential Competencies, as well as the Essential Content, were introduced in 1993.
- The Hawaii Content and Performance Standards were adopted by the Hawaii State Board of Education in 1995.

Schools used *Student Outcomes for the Foundation Program*, May 1993, as the reference document for the Performance Expectations and Essential Competencies.⁵

- The Performance Expectations, which were derived from the Foundation Program Objectives, specified competencies expected of all students and provided benchmarks for students' progress. Performance Expectations were identified for grades 3, 6, 8, 10, and 12. Performance Expectations for basic skills for learning and effective communication with others were also described for grades K, 1, and 2.
- The Essential Competencies were identified with public input and validation to ensure that every high school student attained proficiencies necessary to perform in the adult world.

The *Essential Content*, December 1992, presented the content considered essential for students to know and for teachers to address; in other words, what students should learn as a result of schooling.⁶ Three types of content were presented:

- Universal Content that represented content which was applicable to all subject areas and which should be addressed across the curriculum, for all grade levels.
- Thematic Content that represented content for those areas that are thematic in nature: career education, environmental education, guidance, and Hawaiian studies.
- Subject Area Content that represented essential learnings by the major subject area disciplines. The content was presented by subject areas and

grade level clusters, K-3, 4-6, 7-8, and 9-12. The clusters approximated different levels of student development, from early childhood through adolescence, and early adulthood. The subject areas included: Language Arts, Mathematics, Science, Social Studies, Health, Physical Education, Art, Music, Basic Practical Arts, Asian, European and Pacific Languages, Agriculture, Business Education, Home Economics, and Industrial Education.

In October 1995, the Board of Education adopted the first version of the *Hawaii Content and Performance Standards*, June 1994.⁷ The standards specified what students should know, be able to do, and care about. Schools were expected to articulate and align their curricula by grade level, subject area, courses, and/or other appropriate units with the new learning standards. Like the *Essential Content*, the Content and Performance Standards were displayed by grade levels (K-3, 4-6, 7-8, and 9-12) for eight content areas (Language Arts, Mathematics, Science, Social Studies, Fine Arts, Health and Fitness, World Languages, and Home and Work Skills).

In adopting the policy on the Hawaii Content and Performance Standards, the Board stipulated that the Department of Education's *Essential Content* and *Student Outcomes for the Foundation Program*, that included the Performance

Expectations and Essential Competencies, be used as supplements to the *Hawaii Content and Performance Standards*.⁸

All of the foundation curriculum documents noted above essentially subscribed to the same goal, educating Hawaii's students to lead full and productive lives and to be contributing members of society. The student learning outcomes provided direction and focus for classroom instruction. They defined what is essential for students to know, be able to do, and care about. They addressed three domains: content knowledge, skills and processes, and attitudes and beliefs.

Academic Programs

Learning experiences that addressed the student learner outcomes were delivered through subject area courses. The prescribed K-12 curriculum included courses in Language Arts, Mathematics, Social Studies, Science, Health, Physical Education, Guidance, Art, Music, Asian, European and Pacific Languages, and Computer Education, as well as Basic Practical Arts at the intermediate/middle school level and Vocational Education at the high school level. Instruction in Character Education, Career Education, Drug Education, Environmental Studies, Library Education, and Global Education were infused in the regular required program.

The academic programs at the elementary (K-6), intermediate/middle (7-8), and high (9-12) school levels were described in the document, *Foundation Program*

*Authorized Courses and Code Numbers (ACCN).*⁹ The ACCN displayed the official secondary program of studies by specifying required courses and identifying electives. A major purpose of the document was to support the planning and strengthening of school programs.

The document pointed to the need to look at learning in a holistic context, honoring the uniqueness and value of the disciplines, but also making and understanding the connections among the various subject areas.

“At every level of school organization, there is a need for students to experience both a discipline-based and an interdisciplinary learning that consciously applies methodology and language from more than one discipline to examine a central theme, concept, issue, or experience. Students need to have learning experiences that are both unique to a subject area, as well as experiences that help them make active linkages among the various subject areas. The curriculum becomes more relevant and less fragmented when there are connections among subject areas rather than isolation. An interdisciplinary curriculum is also one solution to overcoming fragmentation and an overloaded curriculum.

- *Foundation Program Authorized Courses and Code Numbers (ACCN)*, 1995-1997

Pre-Kindergarten and Kindergarten

It should be noted that parents had the option of enrolling their child in Kindergarten during the period 1994-2000, as Kindergarten was not mandatory. Policy 2404, Pre-Kindergarten and Kindergarten, stipulated, "The Department of Education shall provide access to a kindergarten program for every child who meets entrance requirements." It further stated, "Pre-Kindergarten education shall be made available for all pre-school children ages three to five, who have been identified and determined to be eligible to receive services under the provisions of the Individual with Disabilities Education Act."¹⁰

Kindergarten programs were provided in all of the elementary schools. Pre-Kindergarten programs were implemented in accordance with the provisions of the Individual with Disabilities Education Act.

Implementation Level Responsibilities

The responsibility for curriculum and instruction at each level of the organization during the period 1994-2000 can be briefly summarized as follows.

- The Board of Education formulated policy for the public schools.
- The Department of Education, through its state-level curriculum office, was responsible for determining the public school curricula and for providing implementation guidelines.

- The schools, supported by the district offices that provided direct leadership and support services, were responsible for delivering the curricula to all students in the public school system. They were charged with offering a comprehensive academic program to meet the needs, interests, and abilities of all students.
- The classroom teacher was responsible for providing instruction -- for organizing, planning, and presenting the material to be learned.
- The student was ultimately responsible for his/her own learning.

Assessment

Statewide tests were administered annually by the Hawaii Department of Education to measure student progress against defined benchmarks. The Stanford Achievement Test (SAT) was administered to students in grades 3, 6, 8, and 10 during this period to provide norm-referenced scores that indicated student standing relative to national grade-level "norm" groups. The SAT mathematics and reading scores served as the State's primary standardized, statewide indicators of student performance. The eighth edition of the SAT was replaced by the SAT Ninth Edition in school year 1998-99. The first assessments to measure students' attainment of the Hawaii Content and Performance Standards, the Hawaii State Assessment, was not administered until 2002.¹¹

The Hawaii State Test of Essential Competencies (HSTEC) was developed and administered during this time as part of the high school graduation requirements. It was designed to measure mastery of those proficiencies considered to be the minimum required for becoming productive and contributing members of society. HSTEC was first administered in spring 1981 and discontinued in Spring 2000.¹²

Schools also used their own indicators (e.g. student class work, homework assignments, teacher-made tests, projects, portfolios) to gauge the quality of students' accomplishments. Schools evaluated each student's academic, social, and personal development four times during the school year and communicated student progress through a standard Report Card. Parent-teacher conferences augmented the written report cards.

Promotion and Retention, and Graduation Requirements

Promotion and retention regulations to determine grade placement of students were in place during the period 1994-2000.¹³ High school graduation requirements were also specified in the School Code.¹⁴

Elementary School

Promotion within grades K-6 included consideration of continuous student progress in basic skills development in order that by the end of grades 3 and 6, respectively, student achievement levels were at or above the specified expectations. In keeping with Chapter 24 of the Administrative Rules that was in

place at that time, the regulations also specified that across grades K-6, no student was enrolled in the same grade for more than two years, nor retained more than twice.

Intermediate/Middle School

In grades 7 and 8, student promotion was based on the successful completion of four or more units of work each year; one unit being interpreted as work done in one year in a class meeting one period daily or its equivalent. There was also the requirement that students demonstrate satisfactory performance in basic skills development, at or above specified student achievement levels in language arts and mathematics by the end of grade 8.

High School

In grades 9 through 12, students earned promotion based on the accumulation of 4, 8, and 14 credits in grades 9, 10, and 11 respectively. Twenty credits were required for graduation in 1994, 1995, and 1996; twenty-two credits were required for the graduating class of 1997 and beyond. The satisfactory completion of the required courses for graduation across the 4-year period, as well as the demonstration of the mastery of essential competencies, was also required.¹⁵

The essential competencies were defined as the basic standards of proficiency required of students who completed course and credit requirements. The Hawaii State Test of Essential Competencies (HSTEC) was used to determine mastery.

While decisions on grade placement of students were based on academic performance and analysis of appropriate student data, the following factors were also considered in making those decisions:

1. Achievement as demonstrated by performance in class.
2. Physical, social, emotional, and mental development.
3. Chronological age.
4. Attendance history.

All decisions were open to parental review and required consultation when placement decisions involved conditional promotion, retention, or acceleration.

Diplomas and Certificates

During the period 1994-2000, the High School Diploma was issued to students who met all of the graduation requirements. The Board of Education Recognition Diploma was awarded to students with grade point averages of 3.0 and above who successfully completed additional required course work which included earning 2 credits in one of the following: Foreign Language, Performing/Fine Arts, or Vocational and Applied Technology Education.¹⁶

Certificates that did not constitute graduation from high school were issued to regular and disabled students for completion of specified program requirements.¹⁷

- The Certificate of Course Completion was issued to students who met course and credit requirements but did not demonstrate mastery of the Department's Essential Competencies as determined by the HSTEC.
- The Certificate of Completion of an Individually Prescribed Program was issued to specifically identified disabled students who completed all of the requirements set by the program. The annual Individualized Education Program (IEP) informed progress on the Individually Prescribed Program for each student.



Ronald K. Toma

¹ "Policy 2020, Foundation Program for Curriculum," School Code, Hawaii Department of Education, March 1988.

² "Regulations 2010.1, Curriculum and Instruction in the Educational Process," School Code, Hawaii Department of Education, October 1994.

³ Student Outcomes for the Foundation Program, Hawaii Department of Education, Office of Instructional services, May 1993.

⁴ Hawaii Content and Performance Standards, Hawaii State Commission on Performance Standards, Final Report, June 1994.

⁵ Student Outcomes for the Foundation Program, Hawaii Department of Educating, Office of Instructional Services, May 1993.

⁶ Essential Content, Hawaii Department of Education, Office of Instructional Services, December 1992.

⁷ Hawaii Content and Performance Standards, Hawaii State Commission on Performance Standards, Final Report, June 1994.

⁸ "Policy 2015, Hawaii Content and Performance Standards," School Code, Hawaii Department of Education, October 1995.

⁹ The Foundation Program Authorized Courses and Code Numbers, 1995-97 (Comprehensive), Hawaii Department of Education, Office of Instructional Services, June 1994.

¹⁰ "Policy 2404, Pre-Kindergarten and Kindergarten, School Code, March 1988 and January 1999.

¹¹ Ishimaru, Patricia, Test Inservice Specialist II, Interview, July 14, 2008.

¹² Ishimaru, Patricia, Test Inservice Specialist II, Interview, July 14, 2008.

¹³ "Regulations 4500.1, Promotion and Retention," School Code, March 1988.

¹⁴ "Policy 4540, Graduation and Related," School Code, Hawaii Department of Education, March 1988. March 1997; "Regulations 4540.1, Graduation and Related," School Code, December 1990, January 1992, March 1997.

¹⁵ "Regulations 4540.1, Graduation and Related," School Code, December 1990, January 1992, March 1997.

¹⁶ The Foundation Program Authorized Courses and Code Numbers, 1995-97 (Comprehensive), Hawaii Department of Education, Office of Instructional Services, June 1994.

¹⁷ "Regulations 4540.1, Graduation and Related," School Code, December 1990, January 1992, March 1997.

List of Documents Reviewed:

Essential Content, Hawaii Department of Education, Office of Instructional Services, December 1992.

The Foundation Program Authorized Courses and Code Numbers, 1992-1994 (Comprehensive), Hawaii Department of Education, Office of Instructional Services, October 1992.

The Foundation Program Authorized Courses and Code Numbers, 1995-1997 (Comprehensive), Hawaii Department of Education, Office of Instructional Services, June 1994.

Hawaii Content and Performance Standards, Hawaii State Commission on Performance Standards, Final Report, June 1994.

Restructuring the Curriculum, Hawaii Department of Education, Office of Instructional Services, September 1992.

School Code, Policies and Regulations, 2000 Series, Hawaii Department of Education, 1994-2000.

School Code, Policies and Regulations, 4000 Series, Hawaii Department of Education, 1994-2000.

Student Outcomes for the Foundation Program, Hawaii Department of Education, Office of Instructional Services, May 1993.